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November 30, 2000

BY FACSIMILE/ BY MAIL/BY ELECTRONIC MAIL

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, Massachusetts 02110

Re: Docket No. D.T.E. 00-64

Dear Secretary Cottrell:

Enclosed for filing are an original and seven copies (in the regular mail version of this correspondence) of the "Reply Comments of Sprint Spectrum L.P. d/b/a Sprint PCS Regarding Area Code Relief In The 413 NPA."

Thank you for your attention in this matter.  
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Very truly yours,

Kenneth Ira Spigle

Encl .

cc: Paula Foley, Hearing Officer (by facsimile and by mail )  
Service List (by mail )

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition of NeuStar, Inc. for Area )  
Code Relief in the 413 Area Code ) DTE 00- 64  
in Western Massachusetts )

REPLY COMMENTS OF SPRINT SPECTRUM L.P. d/b/a SPRINT PCS  
REGARDING AREA CODE RELIEF IN THE 413 NPA

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Sprint Spectrum L.P. d/b/a Sprint PCS submits these comments in support of an all-services overlay in the 413 NPA of Massachusetts, and urges the Department to issue an order implementing the overlay before the end of December, 2000.

Sprint PCS is a provider of wireless personal communications services to customers in Massachusetts, including western Massachusetts. Sprint PCS anticipates that it will continue to expand the range of services within western Massachusetts, which is currently served by the 413 area code. In order to compete for new customers, Sprint PCS must have the ability to assign telephone numbers to its customers, and therefore the availability of telephone numbers and the possible exhaust of available numbers in the 413 Area Code will directly affect Sprint PCS's ability to compete for new customers and to provide service to customers.

### I. SPRINT PCS BELIEVES THAT AN OVERLAY IS THE BEST SOLUTION TO BOTH PRESENT AND FUTURE CONCERNS.

Sprint PCS believes that an overlay presents the cleanest method of assuring that Massachusetts customers in the 413 NPA will continue to have access to telephone numbers from the carriers of their choice. Sprint PCS notes that in the most recent area code relief orders issued by the Department, for Eastern Massachusetts, the overlay method was chosen

over the split method. Sprint PCS agrees that an overlay is preferable for a number of reasons.

First, geographic splits take significantly more time to implement than overlays. Customer education requires a shorter period for an overlay than for a split.<sup>(1)</sup> In order to accommodate numbering resource concerns, given the projected exhaust of the 413 numbers within the next sixteen months, a relief plan that can be implemented quickly is of critical importance to both the industry and consumers.

Second, there will be fewer impacts on consumers following an overlay than a geographic split. In particular, consumers will not be required to change their phone numbers, stationary, or advertising, if an overlay is adopted. And, although the prospect of dialing ten digits on every call may not be attractive to consumers, this Department has already determined that ten-digit dialing is an acceptable outcome of area code relief.

Finally, overlays have been successfully implemented in numerous NPAs across the country. As the Department recognize in its area code relief orders for Eastern Massachusetts, overlays provide sustained assurance that numbering resources will be available to all carriers.

### II. SPRINT PCS URGES THE DEPARTMENT TO IMPLEMENT

#### AREA CODE RELIEF EXPEDITIOUSLY

Regardless of the type of relief plan that is adopted for the 413 NPA, Sprint PCS submits that in addition to the type of area code relief, an equally important consideration is the expeditious implementation of a relief plan. The ability of a carrier to provide its

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telecommunications services depends upon its ability to obtain telephone numbers. In addition, consumers and businesses cannot obtain the services they want unless carriers have numbers to assign. If an area code exhausts before a relief plan is implemented, a new carrier cannot enter the market and an existing carrier in the market may (depending on the size of its number inventory) be unable to meet continued demand for its services.

As other carriers have noted in their initial comments, the 413 NPA is expected to exhaust its available numbers in the first quarter of 2002. (2) The FCC specifically declared that state commissions must give priority to implementing area code relief in a timely manner:

[I]t is important that state commissions . . . implement area code relief when it is necessary. . . . State commissions, by declining to implement area code relief, should not put carriers in the position of having no numbers and therefore being unable to serve customers. (3)

Sprint PCS encourages the Commission to establish a date for area code relief that will ensure the adequate availability of numbering resources so that all carriers are able to meet the demands of Massachusetts consumers. Given the optimistic suggestion by Verizon that an overlay could be implemented in a minimum of twelve months, (4) it would be prudent for

the relief order to be issued by the end of December, 2000, so that numbers in the new NPA would be available in early 2002.

The Attorney General's comments urging, in essence, that no efforts be undertaken now to implement area code relief in the 413 NPA, are unsupported by evidence, and in fact seem to be anti-consumer. No one's interests are served when competitive carriers run out of numbers and consumers' choices of service providers are therefore limited. Yet that would be the likely result if the Attorney General's recommendations are followed. Exhaust of an area code or delay in implementing relief also gives incumbent carriers an enormous and artificial competitive advantage over their new entrant competitors.

III. RATIONING SHOULD NOT BE USED AS AN ALTERNATIVE TO RELIEF Code rationing does not constitute number conservation. Rationing is a temporary procedure that artificially tempers demand for codes without reducing customer demand for services (and numbers) and without improving the efficiency in which numbers are utilized. Rationing actually worsens the situation because it creates a "pent up" demand for codes that is unleashed when relief is finally implemented -- sometimes placing the "relief" area code in jeopardy as well. In the 413 NPA, there still appears to be sufficient time to implement an overlay, without requiring interim rationing.

Sprint Spectrum L.P. d/b/a Sprint PCS

By its attorney:

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Dated: November 30, 2000

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#### CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November, 2000, a copy of the foregoing was served by upon all parties on the service list for DTE Docket No. 00-64 via first class mail and/or via e-mail.

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Kenneth Ira Spigle

1.

1 See the Industry Numbering Committee's NPA Code Relief Planning and Notification Guidelines, INC 97-0404-016, Draft Report 12-11-98, ¶6.3.

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2.

2 In its "Vote to Open Investigation", the department suggested that "Neustar . . . in a single month, advanced the forecast exhaustion date by half a year." IN fact, the change from third quarter 2002 to first quarter 2002 was a result of the standard Neustar practice of periodically updating its forecasts based on new information. The third quarter 2002 forecast was issued based on december, 1999, estimates; the subsequent forecast was based on April, 2000, figures.

3.

3 Pennsylvania Order at ¶26.

4.

4 In the Eastern Massachusetts relief process, the time between the Department order and the availability of new numbers is about a year. It is not clear from Verizon's October 27, 2000, letter to the Department in the present proceeding whether it is committing itself to undertake the same kind of schedule in 413.

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